

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LAMBDA OPTICAL SOLUTIONS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 10-487-RGA-CJB
)	
ALCATEL-LUCENT SA, et al.,)	
)	
Defendants.)	
ALCATEL-LUCENT USA, INC., and)	
ALCATEL-LUCENT HOLDINGS, INC.,)	
)	
Counter-Claimants,)	
)	
v.)	
)	
LAMBDA OPTICAL SOLUTIONS LLC,)	
LAMBDA OPTICAL SYSTEMS CORP., and)	
ANASTASIOS TZATHAS,)	
)	
Counter-Defendants.)	

**MOTION OF GEORGE PAZUNIAK AND O’KELLY ERNST & BIELLI, LLC
TO WITHDRAW AS COUNSEL FOR
COUNTER-DEFENDANT ANASTASIOS TZATHAS**

Pursuant to D. Del. LR 83.7, George Pazuniak and O’Kelly Ernst & Bielli, LLC (collectively “Movants”) hereby move for leave to withdraw as counsel for Counter-Defendant Anastasios Tzathas. (“Tzathas”) in above-captioned actions, effective immediately upon the Court’s grant of such leave.

Tzathas does not oppose the Movants’ motion, as further detailed below. The other parties also do not oppose Movants’ motion.

The grounds for this motion are as follows:

1. Pursuant to D.Del LR 83.6(d), Movants are governed by the Model Rules

of Professional Conduct of the American Bar Association. (Movants are also bound by the Delaware Rules of Professional Conduct).

2. Under Model Rule 1.16(c) and D. Del. LR 83.7, Movants are required to seek the leave of the court to withdraw under either Model Rules 1.16(a) or 1.16(b). Movants seek leave to withdraw under both Model Rules 1.16(a) and 1.16(b). Leave to withdraw should be granted under both Model Rules 1.16(a) and 1.16(b).

3. The United States District Court for the District of Delaware Local Rule 83.7 provides:

RULE 83.7. Substitution and Withdrawal of Attorney.

An attorney may withdraw an appearance for a party without the Court's permission when such withdrawal will leave a member of the Bar of this Court appearing as counsel of record for the party. Otherwise, no appearance shall be withdrawn except by order on a motion duly noticed to each party and served on the party client, at least 14 days before the motion is presented, by registered or certified mail addressed to the client's last known address.

4. Movants served a copy of this motion on Tzathas' by email on September 22, 2013, and by registered mail in accordance with D.Del. LR 83.7 on September 23, 2013, and served the other parties by email on September 22, 2013.

5. Mr. Tzathas has stated in writing that he consents to the withdrawal based on "fundamental differences for the strategy of my defense."

6. Plaintiff has agreed to the withdrawal. Defendants and Counter-Plaintiffs have agreed to the withdrawal provided that no deadlines in the Scheduling Order are impacted.

7. Professional considerations require termination of the representation, and Movants submit that the Court should permit the withdrawal. There has been an

irreconcilable breakdown in the client-lawyer relationship, and Movants can no longer represent Mr. Tzathas, because, as stated by Mr. Tzathas, of the “fundamental differences for the strategy of my defense.”

8. Withdrawal can be accomplished without material adverse effects on Tzathas’ interest, because Tzathas’ refusal to allow Movants to carry out their representation of Tzathas has rendered counsel unable to perform any actions in these litigations in any event.

9. If the Court instructs Movants to provide further factual details concerning the relationship, Movants respectfully request that they be permitted to submit additional details *in camera*, to protect confidential attorney-client communications.

WHEREFORE, Movants respectfully request leave of the Court to withdraw as counsel for Tzathas. A proposed form of order is attached.

Respectfully Submitted,

October 9, 2013

/s/ George Pazuniak
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Former Attorneys for Counter-Defendant
ANASTASIOS TZATHAS